

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

HUDSON E. MYERS,)	
)	
Plaintiff,)	CIVIL ACTION NO. 12-5072
)	
v.)	
)	
JAMES OURY, M.D.,)	RENEWED MOTION FOR
JOSEPH L. TUMA, M.D., F.A.C.C., HEATHER)	ENTRY OF DEFAULT
G. CWACH, M.D., RAPID CITY REGIONAL)	JUDGMENT
HOSPITAL, INC., RUSHMORE HEART)	
INSTITUTE, INC., JAMES H. OURY, M.D.)	
MEDICAL CORPORATION, P.C., and)	
BLACK HILLS NEUROLOGY, LLP,)	
)	
Defendants.)	

COMES NOW the Plaintiff, Hudson E. Myers, by and through his attorneys of record, Bird Law Group, P.C., Crongeyer Law Firm, P.C. and Goodsell Quinn L.L.P., pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, and renews its October 31, 2013 Motion for Entry of Default Judgment (Doc. 74) as to liability against:

1. Defendant James Oury, M.D., against whom default was entered on January 30, 2013 (Doc. 50);
2. Defendant James Oury, M.D. Medical Corporation, P.C., against whom default was entered on January 31, 2013 (Doc. 52); and
3. Defendant Rushmore Heart Institute, Inc., against whom default was entered on October 9, 2013 (Doc. 71).

Hereinafter these Defendants will be referred to as “the Oury Defendants.”

On June 2, 2014, this Court denied without prejudice Plaintiff’s original Motion for Entry of Default as to the Oury Defendants, explaining that “[b]ecause liability here is joint (and perhaps several) and because whether some defendants are liable is interrelated to Oury’s liability, ... it would be premature to enter judgment against the Oury [D]efendants.” (Doc. 102 at 3.) Since that

Order, the Plaintiff has resolved his claims against all Defendants except for the Oury Defendants. As such, his Motion for Entry of Default against the Oury Defendants is now ripe for decision.

In addition to moving for entry of default judgment, the Plaintiff herein moves this honorable Court to set a hearing to determine the amount of damages owed to the Plaintiff by the Oury Defendants. *See* Fed. R. Civ. P. 55(b)(2).

WHEREFORE, Plaintiff respectfully requests the Court enter default judgment as to liability against the above-identified Defendants, and set a hearing on damages.

Dated this 26th day of January, 2017.

By: /s/ Terence R. Quinn
Terence R. Quinn
David S. Barari
Nathan R. Oviatt
GOODSELL QUINN, LLP
246 Founders Park Dr., Suite 201
P.O. Box 9249
Rapid City, SD 57709-9249
Tel: (605) 343-3000
Fax: (605) 343-3251

And

William Q. Bird
Kristen L. Beightol
BIRD LAW GROUP, P.C.
2170 Defoor Hills Road
Atlanta, GA 30318
Tel: (404) 873-4696
Fax: (404) 872-3745

And

John W. Crongeyer, M.D.
CRONGEYER LAW FIRM, P.C.
2170 Defoor Hills Road
Atlanta, GA 30318
Tel: (404) 542-6205

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
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HUDSON E. MYERS,)	
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Plaintiff,)	CIVIL ACTION NO. 12-5072
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v.)	
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JAMES OURY, M.D.,)	CERTIFICATE OF SERVICE
JOSEPH L. TUMA, M.D., F.A.C.C., HEATHER)	
G. CWACH, M.D., RAPID CITY REGIONAL)	
HOSPITAL, INC., RUSHMORE HEART)	
INSTITUTE, INC., JAMES H. OURY, M.D.)	
MEDICAL CORPORATION, P.C., and)	
BLACK HILLS NEUROLOGY, LLP,)	
)	
Defendants.		

The undersigned hereby certifies that he/she served a true and correct copy of the foregoing document upon the Defendants by U.S. Mail, as follows, on the 26th day of January, 2017:

Daniel F. Duffy
Jeffrey G. Hurd
Bangs, McCullen, Butler, Foye & Simmons,
L.L.P.
P.O. Box 2670
333 West Boulevard, Suite 400
Rapid City, SD 57709-2670

Kathryn J. Hoskins
Jeff L. Bratkiewicz
Cesar A. Juarez
Bangs, McCullen, Butler, Foye & Simmons,
L.L.P.
P.O. Box 88208
Sioux Falls, SD 57109-8208

James Oury on behalf of:
James Oury, M.D.;
James Oury, M.D. as Registered Agent
for James H. Oury, M.D. Medical Corporation,
P.C.;
James Oury, M.D. as Registered Agent for
Rushmore Heart Institute, Inc.;
22784 Wild Irishman Road
Rapid City, SD 57702

By: /s/ Terence R. Quinn
Terence R. Quinn
David S. Barari
Nathan R. Oviatt
GOODSELL QUINN, LLP
246 Founders Park Dr., Suite 201
P.O. Box 9249
Rapid City, SD 57709-9249
Tel: (605) 343-3000
Fax: (605) 343-3251